

IN THE UNITED STATES DISTRICT  
COURT EASTERN DISTRICT OF  
WISCONSIN

The ESTATE OF SYLVILLE K. SMITH, by	)	
Personal Representative Mildred Haynes,	)	No. 17-cv-862
Patrick Smith, and Mildred Haynes, on her	)	
own behalf,	)	
	)	
Plaintiffs,	)	JURY TRIAL DEMANDED
	)	
v.	)	
	)	
CITY OF MILWAUKEE, WISCONSIN	)	
and DOMINIQUE HEAGGAN-BROWN,	)	
	)	
Defendants.	)	

## **EXHIBIT 5**

Heaggan-Brown DCI Statement

David B. Owens  
Danielle Hamilton  
LOEVY & LOEVY  
311 N. Aberdeen St, Third FL  
Chicago, IL 60607  
(312) 243-5900

Wisconsin Department of Justice DCI

**ACISS Interview 16-4915/15**

Report Date: 08/16/2016

**Primary Information**

Description:	Interview of P.O. Dominique Heaggan-Brown
Occurrence From:	08/15/2016 11:15
Occurrence To:	08/15/2016 13:10
Reporting LEO:	Taylor, Raymond L (Milwaukee Narcotics DCI / Wisconsin Department of Justice DCI)
Backup LEO:	Gibbs, Raymond R (Milwaukee Special Assignments DCI / Wisconsin Department of Justice DCI)
Approval Status:	Approved
Approved Date:	09/14/2016
Approved By:	Virgil, Tina R (DCI Administrative Services / Wisconsin Department of Justice DCI)

**Synopsis**

On Monday, August 15, 2016, at 11:15 A.M., Wisconsin Department of Justice-Division of Criminal Investigation Special Agent Raymond Gibbs and S/A Raymond L. Taylor interviewed Milwaukee Police Officer Dominique Heaggan-Brown regarding an officer involved death incident. The interview took place at the DCI Milwaukee Office at 633 W. Wisconsin Ave., Milwaukee Wisconsin. Also present during this interview were Attorneys Brendan Matthews and Jackie Schwartz from the law firm of Cermele and Matthews, as well as Milwaukee Police Lieutenant Paul Formolo, and Milwaukee Police Detective Keith Kopcha.

**Related Addresses**

Address	Relationship
3216 N 44, Milwaukee, Wisconsin, United States of America	Location of Event

**Related Subjects**

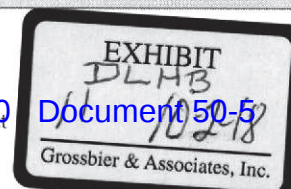
Name	Type	Sex	Race	DOB	Relationship
Heaggan-Brown, Dominique	Law Enforcement Official	---	---	---	Interviewed
Malafa, Ndiva I	Law Enforcement Official	---	---	---	Law Enforcement
Pratchet, Dwayne	Law Enforcement Official	---	---	---	Law Enforcement
Voden, Richard	Law Enforcement Official	---	---	---	Law Enforcement
Smith, Sylville K	Person	Male	Black	04/11/1993	Deceased

**Record Status Information**

Record Origination Operator:	Taylor, Raymond L (Milwaukee Narcotics DCI / Wisconsin Department of Justice DCI)
Record Origination Date:	08/16/2016 10:10
Last Update Operator:	Virgil, Tina R (DCI Administrative Services / Wisconsin Department of Justice DCI)
Last Update Date:	09/14/2016 15:19

Reporting LEO	Date	Supervisor	Date
Taylor, Raymond L (Milwaukee Narcotics DCI / Wisconsin Department of Justice DCI)		Virgil, Tina R (DCI Administrative Services / Wisconsin Department of Justice DCI)	9/16/2016

Narrative begins on the following page.





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On Monday, August 15, 2016, at 11:15 A.M., Wisconsin Department of Justice-Division of Criminal Investigation Special Agent Raymond Gibbs and S/A Raymond L. Taylor interviewed Milwaukee Police Officer Dominique Heaggan-Brown regarding an officer involved death incident. The interview took place at the DCI Milwaukee Office at 633 W. Wisconsin Ave., Milwaukee Wisconsin. Also present during this interview were Attorneys Brendan Matthews and Jackie Schwartz from the law firm of Cermele and Matthews, as well as Milwaukee Police Lieutenant Paul Formolo, and Milwaukee Police Detective Keith Kopcha.

S/A Gibbs and S/A Taylor began the interview by identifying themselves as Special Agents with the Department of Justice-Division of Criminal Investigation, (DCI), to Officer Heaggan-Brown, and displayed their credentials and badges to him. Heaggan-Brown was advised that his giving a statement to the Special Agents was completely voluntary on his part. Heaggan-Brown was told by SA Gibbs that he was not required to give a statement, and was further advised by Gibbs that he could stop answering questions at any time he desired, as well as confer with his attorneys prior to answering any question directed at him by the DCI Agents. SA Gibbs asked Heaggan-Brown if he understood that he was not required to give DCI a statement, and he stated that he understood. SA Gibbs asked Heaggan-Brown if he wished to give a statement to S/A Gibbs and S/A Taylor, and Heaggan-Brown stated that he wished to make a statement. S/A Taylor advised Heaggan-Brown that DCI had the ability to audio and/or video record his statement. Heaggan-Brown stated that he did not want the statement to be recorded.

Police Officer Dominique Heaggan -Brown stated that he was appointed to the Milwaukee Police Department as a Police Aide July 26, 2010. Police Officer Heggan-Brown stated that he was appointed to the rank of Milwaukee Police Officer on August 13, 2013, and was assigned to the early shift at District Seven, with regular hours of duty from 4:00P.M. to 12 A.M. Heaggan-Brown was a member of the bicycle patrol unit for almost one year, and successfully completed a training course put on by the Milwaukee Police Training Academy to become part of the bicycle unit. Heaggan-Brown also held certification to carry a Taser, and attended an FBI conducted training course on the characteristics of an armed gunmen.

On Saturday, August 13, 2016, Heaggan-Brown was attired in his full Milwaukee Police Bicycle Unit Uniform, which consisted of dark blue bicycle shorts, and a dark blue polo style short sleeve shirt. The shirt had a Milwaukee Police Department patch on the left sleeve, embroidered Milwaukee Police Badge on the left chest, and his last name sewn onto a Velcro strip, which was attached to the right chest of the shirt. He also wore a ballistic vest underneath the uniform shirt.

Heaggan-Brown was equipped for duty on August 13, 2016 with his full complement of Milwaukee Police equipment, which included his duty belt. On the duty belt Heaggan-Brown carried the following equipment:

A double magazine ammunition pouch containing two handgun magazines. Each magazine was loaded with fourteen unfired forty caliber cartridges.

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A taser carried in a holster.

A medium sized flashlight carried in a pouch.

An empty baton holster.

Two way radio with holder. The radio was equipped with an extended cord and microphone, which was attached to the left shoulder of Heaggan-Brown's uniform shirt .

A pair of handcuffs in a pouch.

A second pair of handcuffs in a holder.

A Smith and Wesson M&P forty caliber pistol loaded with fourteen unfired forty caliber cartridges in a magazine seated in the magazine well of the pistol, and an additional unfired forty caliber cartridge in the chamber of the pistol.

An extra flashlight in a pouch.

O.C. spray in a pouch.

In addition to the aforementioned equipment, P.O. Heaggan-Brown wore a body camera with a collar mount.

P.O. Heaggan-Brown was asked by SA Gibbs why there were only fourteen cartridges in his magazines. P.O. Heaggan-Brown responded that Milwaukee Police Officers were told at the training academy to not force the fifteenth cartridge into the magazine, because it would potentially damage the magazine and lead to a malfunction of the pistol. Officers were instructed to insert the magazine with fourteen cartridges into the magazine well of the pistol and charge the pistol, placing a cartridge in the chamber. An additional round would then be placed into the magazine after removing it from the magazine well of the pistol. After placing the fourteenth cartridge into the magazine, the magazine would be replaced into the magazine well of the pistol. P.O. Heaggan-Brown loaded his pistol in this fashion.

On August 13, 2016 P.O. Heaggan-Brown reported to work at District# 7 at 2:00 P.M., to work an overtime funded traffic detail for two hours prior to his shift. Prior to coming to work, P.O. Heaggan-Brown got six to seven hours of sleep the previous night, which was more than his usual amount. He took no medications prior to this shift, and had not had any alcohol for two weeks prior to the shift. He was well rested and felt good when he arrived at work on August 13, 2016, at 2:00 P.M.

P.O. Heaggan-Brown explained that the instructions for the over time detail was to target high crime and drug areas and perform traffic stops, and be highly visible. He was scheduled to ride

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with a partner during this detail, but his partner did not come in for the detail. P.O. Heaggan-Brown signed out MPD marked squad #124, a fully marked Tahoe with red and blue emergency lights, a siren, and a dash camera. P.O. Heaggan-Brown noted that two other bicycle officers, P.O. Malafa and P.O. Voden, were also signed up for the detail, so the three officers decided to participate in the detail together, but in two separate squad cars. P.O. Heaggan-Brown stated that P.O. Malafa and P.O. Voden drove a grey unmarked squad car, and both were also in Milwaukee Police Department Bicycle Officer uniforms.

P.O. Heaggan-Brown was unable to log onto the squad computer on Squad #124. He asked P.O. Voden to try to log on to the computer of Squad #124 as well, and P.O. Voden could not do so either. P.O. Heaggan-Brown decided that he would put the two way radio on the squad on channel "OPS 3", and his hand held two way radio on the district seven channel.

P.O. Heaggan-Brown stated that he along with P.O. Malafa and P.O. Voden performed approximately eight or nine traffic stops during the detail, and kept in constant radio contact with each other. They concentrated on the area of 76th St., from Center to Capitol Dr., and issued numerous warnings to the people they stopped. P.O. Heaggan-Brown stated that the orders for the detail were to show a police presence in the areas they worked, not just write people tickets.

At approximately 3:15 P.M., P.O. Heaggan-Brown and P.O. Malafa and P.O. Voden decided to start driving towards the district seven station to be there in time for roll call at 3:48 P.M. P.O. Heaggan-Brown stated while driving towards district seven, P.O. Malafa got on the radio and suggested they drive through the area of N. Sherman Blvd., and W. Burleigh St. P.O. Heaggan-Brown explained this area was known by the three officers as an area of high crime and drug activity. P.O. Heaggan-Brown stated they had made numerous arrests resulting in drug and weapons recoveries in the area. P.O. Heaggan-Brown stated the area was a regular part of their bicycle patrol route due to the high amount of drug activity, shootings and other felony incidents.

P.O. Heaggan-Brown drove his squad car east on Burleigh st., and as he approached N. 49th St., he broadcast on OPS 3 that he wanted to check the area of 44th St. and W. Burleigh. P.O. Malafa responded on OPS 3 that he and P.O. Voden were directly behind him. P.O. Heaggan-Brown explained that N. 44th St. and W. Burleigh was also an area with numerous drug dealing complaints. P.O. Heaggan-Brown recalled being approached by residents on that block in the past who complained of vehicles with out of state plates coming into the area to buy drugs. The area was a residential area with numerous elderly residents, and P.O. Heaggan-Brown stated he had the opportunity to speak with several individuals who lived in the area and he was familiar with who lived on the block and who did not.

P.O. Heaggan-Brown went on to explain that as bicycle officers, their assignment was to get to know the people in the neighborhoods they patrol. P.O. Heaggan-Brown stated if the officers saw people on the street, they were to make contact with them to let the citizens know they were in the area. P.O. Heaggan-Brown stated they would also attempt to find out from the residents what things were occurring in their neighborhoods and try to address them.

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P.O. Heaggan-Brown stated he, P.O. Malafa and P.O. Voden had made numerous field interviews and arrests for drug possession in the area of 44th St. and Burleigh, and many of the people stopped told them that the drug dealers on N. 44th St. drove rental cars with out of state plates and sold drugs from the rented vehicles.

P.O. Heaggan-Brown stated based on his training and experience, he knew that rental cars were usually newer model vehicles, often with out of state registration plates. P.O. Heaggan-Brown added that approximately one week earlier, he, P.O. Malafa, P.O. Voden and P.O. Wellman had a foot pursuit of a suspect in the area of 3109 N. 44th St. P.O. Heaggan-Brown stated during the course of the foot pursuit an arrest was made and a handgun was recovered.

P.O. Heaggan-Brown stated he turned his squad north on N. 44th St. from W. Burleigh, and as he approached the intersection of N. 44th St. at W. Auer, he saw a black or dark blue newer car with Minnesota or Iowa plates parked north of Auer on the east side of N. 44th St. P.O. Heaggan-Brown could not say what state the registration plates were from with certainty, but knew they were not Wisconsin plates because of the light blue border at the top of the plate. P.O. Heaggan-Brown knew Wisconsin registration plates do not have that feature.

P.O. Heaggan-Brown stated he was still south of Auer, approaching the stop sign when he saw the dark vehicle. P.O. Heaggan-Brown noted the car was parked too far from the curb, and believed the vehicle to be approximately fifteen inches from the curb. P.O. Heaggan-Brown stated that he knew the maximum distance a vehicle could be parked from the curb was twelve inches. P.O. Heaggan-Brown radioed P.O. Malafa and P.O. Voden on OPS 3. P.O. Heaggan-Brown told them of the illegally parked vehicle with out of state registration plates. P.O. Heaggan-Brown stated there were no cars parked behind the dark vehicle, and he believed the vehicle was parked three houses north of Auer.

P.O. Heaggan-Brown continued to watch the dark vehicle, and saw a heavy set black male wearing a white shirt exit the front passenger seat. P.O. Heaggan-Brown stated that the black male appeared to be leaning into the car, with his body between the open front passenger door and the passenger compartment of the vehicle. P.O. Heaggan-Brown stated the black male's head was above the roof line of the car. P.O. Heaggan-Brown saw the man look at his marked MPD Police squad, then quickly duck under the roof line of the vehicle. The man leaned into the passenger compartment, then quickly turned and began to briskly walk away from the dark vehicle.

P.O. Heaggan-Brown stated that the heavy set black male's actions were indicative of someone secreting drugs or weapons inside of the vehicle and preparing to run from the police. P.O. Heaggan-Brown suspected the black male could be alerting other drug dealers that the police were nearby. P.O. Heaggan-Brown added that he, P.O. Malafa and P.O. Voden often were involved in foot pursuits with people who behaved in the same manner that the heavy set black male behaved. P.O. Heaggan-Brown stated that he expected the heavy set black male to run from the officers.

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P.O. Heaggan-Brown proceeded through the intersection of N. 44th St. and Auer and tried to approach the dark vehicle and the heavy set black male quickly, in the hopes they could reach him before he ran away from them.

P.O. Heaggan-Brown believed he activated the emergency red and blue lights of his squad car, and pulled alongside the dark vehicle. He parked the squad approximately three feet to the west of the dark vehicle, and had the front of his squad a few feet in front of the front of the dark vehicle. P.O. Heaggan-Brown noted that he left room for the dark vehicle to pull away and did not block it in.

P.O. Heaggan-Brown stated as he pulled alongside of the dark vehicle, he saw that someone was seated in the driver's seat. P.O. Heaggan-Brown knew that P.O. Malafa and P.O. Voden stopped their squad car behind his squad. P.O. Heaggan-Brown tapped his body camera to activate it, as he exited his squad car. He moved quickly to the front of his squad car and turned to the east, and heard P.O. Malafa yell, " He's running!", and heard a car door slam to the south of his location at the front of the squad. P.O. Heaggan-Brown stated that he believed someone hit the emergency button on the radio at this time.

P.O.Heaggan-Brown stated as he was crossing the front of his squad car, he saw a black male run north between his squad car and the dark vehicle. P.O. Heaggan-Brown described the black male as having a caramel complexion, braided hair, and a thin build. P.O. Heaggan-Brown stated the black male ran north, then cut to the east toward the sidewalk on the east side of N. 44th St. P.O. Heaggan-Brown stated that he ran after the black male, and as he drew closer he began to bring his Taser out of it's holster. P.O. Heaggan-Brown stated before he could get the Taser out of the holster, he heard P.O. Malafa yell from behind him, " He has a gun!" P.O. Heaggan-Brown pushed the Taser back into the holster and made sure it clicked indicating that it was locked in the holster. P.O. Heaggan-Brown stated that he continued to pursue the black male, and pulled his pistol from the holster.

P.O. Heaggan-Brown believed that P.O. Malafa broadcast the description of the foot pursuit of the black male. P.O. Heaggan-Brown stated that the black male continued to cut east and run toward the gangway between 3218 N. 44th St. and the house directly south. P.O. Heaggan-Brown noted that he was gaining ground on the black male, and was approximately six or seven feet behind, and to the west of the black male. P.O. Heaggan-Brown continued to gain on the black male as the black male came to the gate of a fence. P.O. Heaggan-Brown was yelling at the black male, but could not remember what he was saying to him. P.O. Heaggan-Brown began to slow down and was trying to stop his momentum towards the black male.

P.O. Heaggan-Brown stated that the black male was stopped at the gate, and did not jump over the fence. P.O. Heaggan-Brown stated that the top of the fence was even with the black male's chest. P.O. Heaggan-Brown stated that P.O. Malafa was positioned to the south west of him and he screamed, " Drop the gun!" P.O. Heaggan-Brown stated the black male had his back to him,

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and his hands were resting on top of the fence. P.O. Heaggan-Brown stated at this point he could see the extended magazine of the pistol protruding from the bottom of the black male's right hand. P.O. Heaggan-Brown stated that he could also see the slide of the pistol protruding from the top of the black male's right hand. P.O. Heaggan-Brown thought to himself that the black male could have easily hopped the fence and continued running if he would have dropped the gun and emptied his right hand.

P.O. Heaggan-Brown stated that P.O. Malafa was on his right side, and screamed "Drop the gun, put your hands up!" P.O. Heaggan-Brown stated the black male turned his head to the right and looked at P.O. Heaggan-Brown. P.O. Heaggan-Brown noted that the black male had a strange look on his face, which reminded him of numerous interviews he conducted of people who were under the influence of drugs. P.O. Heaggan-Brown stated that it seemed to him that P.O. Malafa's commands to the black male to drop the gun were not registering.

P.O. Heaggan-Brown stated as the black male turned his head and looked at P.O. Heaggan-Brown, the black male's torso also moved to the right in Heaggan-Brown's direction. Heaggan-Brown believed the black male's right hand was still holding the pistol, and it was following the same path as the black male's head and torso, toward P.O. Heaggan-Brown. P.O. Heaggan-Brown stated that he saw that the black male's right arm was bent at the elbow, and the pistol was at the black male's chest level. P.O. Heaggan-Brown thought that the black male was going to shoot him and P.O. Malafa, since he did not put the gun down and continue to run, but instead turned toward them with the gun in his hand. P.O. Heaggan-Brown feared that he or Officer Malafa would be killed or seriously injured if the black male fired the gun at them. Heaggan-Brown was approximately four to five feet from the black male when he raised his duty weapon and fired it one time at the black male's torso.

P.O. Heaggan-Brown stated that he aimed at the black male's torso, or "center mass", adding that the black male had an extended magazine on his weapon, and was armed with more ammunition than P.O. Heaggan-Brown. P.O. Heaggan-Brown stated that he has never received training to shoot guns out of people's hands, or to shoot them in the arm or leg. P.O. Heaggan-Brown further added that to do so would probably not have kept the black male from firing his weapon. P.O. Heaggan-Brown's intention when he fired his duty weapon at the black male was to stop his actions and prevent him from shooting him and P.O. Malafa. P.O. Heaggan-Brown stated that there was no one standing behind the black male when P.O. Heaggan-Brown fired his duty pistol at the black male.

P.O. Heaggan-Brown stated after he fired his weapon the black male fell onto the fence, and he believed the black male threw the pistol over the fence with his right hand. The black male stumbled and fell to the ground in a supine position. P.O. Heaggan-Brown stated that he was screaming for the black male to show his hands, but the black male moved his right hand toward his waist band, while still looking at P.O. Heaggan-Brown. P.O. Heaggan-Brown feared that the black male was reaching for a second gun hidden in his waistband, and feared that the black male



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would use it to shoot him or P.O. Malafa. P.O. Heaggan-Brown stated that he fired his duty weapon again at the black male's chest or center mass.

P.O. Heaggan-Brown believed that the amount of time that elapsed between his first and second shots was less than three seconds.

P.O. Heaggan-Brown stated after the second shot, the black male laid his hands on the ground by his sides. P.O. Heaggan-Brown stated that the black male was lying near a bee hive, and his face was getting covered by bees, so P.O. Heaggan-Brown pulled him away from the bees. P.O. Heaggan-Brown checked the black male's vital signs and was unable to feel a pulse, so without waiting for gloves, he began performing CPR on the black male. P.O. Heaggan-Brown stated that he got stung four or five times by bees, so he yelled for someone else to continue CPR. P.O. Heaggan-Brown rose from the black male's side, and saw a lady walking to the back door of the house carrying bags of groceries. P.O. Heaggan-Brown knew the pistol was lying in the back yard near where she was standing, so he yelled for her to get inside her house. P.O. Heaggan-Brown stated he then told P.O. Malafa to go stand by the pistol the black male threw in the back yard.

P.O. Heaggan-Brown radioed for medical assistance for the black male, and was standing in the gangway when P.O. Tetzloff approached him and walked him away from the scene to Tetzloff's squad. P.O. Heaggan-Brown stayed there until he was approached by Sergeant Pratchett, who escorted him to Sgt. Pratchett's squad car. P.O. Heaggan-Brown gave Sergeant Pratchett a public safety statement.

P.O. Heaggan-Brown stated that he had no previous contacts with the dark vehicle. P.O. Heaggan-Brown added that he did not know the black male, and did not remember any previous contacts with him. Prior to this incident, P.O. Heaggan-Brown stated that he had not been involved in any other officer involved shootings.

P.O. Heaggan-Brown had no further information regarding this incident.

This interview was completed at 1:04 P.M.

On Tuesday, September 6, 2016, P.O. Heaggan-Brown met with SAs Gibbs, Taylor,, and Rico Tijerino to review the contents of this report. Present also was Brendan Matthews and Jackie Schwartz. P.O. Heaggan-Brown found no contextual issues with the report.

P.O. Heaggan-Brown was asked by SA Taylor if he would voluntarily answer additional questions, and P.O. Heaggan-Brown answered that he would.

SA Taylor asked if P.O. Heaggan-Brown knew the black male involved in this incident, and P.O. Heaggan-Brown stated that he did not, adding that the man's brother may have went to Marshall High School with P.O. Heaggan-Brown but they had no relationship. He also did not know the man's sister.

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S/A Tijerino asked P.O. Heaggan-Brown if he had any contact with the man or the car he saw the man inside of earlier on the day of the incident. Heaggan-Brown answered that he did not stop the man earlier in the day, and did not see the car the man was in earlier in the day.

SA Taylor asked Heaggan-Brown about a rap video Heaggan-Brown performed that had been aired on YouTube. Heaggan-Brown explained that the rap performance was something he had done with a friend, and added that he had been involved with rap music since he was eleven years old, and had appeared in numerous rap shows. He added that Marshall High School was a broadcasting specialty school, and he was very involved in the broadcast program during his time there. Because of his involvement in the broadcasting, numerous people in the school knew him. The rap song was just something he put together with an "industry beat", and was a free form style video. Heaggan-Brown in no way meant to imply that he would "turn Milwaukee into Baltimore."

Heaggan-Brown had no further information regarding this incident, so the interview was ended.